

## ORDINANCE No. 2020-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS AMENDING CHAPTER 15, ZONING ORDINANCE, TO RENAME THE ZONING COMMISSION AND ESTABLISH A PLANNING AND ZONING COMMISSION WITH ASSOCIATED AUTHORITIES, RULES, AND PROCEDURES; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Chapter 15, Zoning Ordinance, of the City of Leon Valley Code of Ordinances establishes the Zoning Commission pursuant to Chapter 211 of the Local Government Code; and

**WHEREAS**, the City Council resolves to establish a Planning Commission as provided by for by Chapter 212 of the Local Government Code, and further resolves to combine this commission with the City's existing Zoning Commission to establish a Planning and Zoning Commission;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:**

**SECTION 1.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Section 15.02.052 (entitled "Definitions") to add the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as shown in the italicized (*italicized*) text that follows:

### **Sec. 15.02.052    Definitions**

*Buildable area. The area of a lot remaining after the minimum yard and open space requirements of this code and article 10.02 (subdivision ordinance) have been met. For recreational property or uses such as golf courses and baseball, soccer, football or similar athletic facilities, and public works projects such as water or wastewater treatment plants, pump stations, storage tanks, and public streets and drainage improvements, the buildable area of the property shall include that portion of the property necessary for the construction of such recreational and public works improvements, including sufficient adjacent area to allow the normal operation of construction equipment.*

(1) *Article 3.02, division 2 of the Leon Valley City Code, which incorporates the International Building Code.*

(2) *The International Building Code, promulgated by the International Code Council and adopted by the City.*

*Commission. See Means “Planning & Zoning Commission.”*

*Zoning amendment. A legislative change of an existing comprehensive zoning ordinance. Amendments must be adopted with all formalities required by the enabling act, including Planning and Zoning Commission recommendations, notice to landowners in a designated area, when required, published notice of legislative consideration, public hearings, and final passage of an amending ordinance.*

*Planning and Zoning Commission. An appointed group of citizens with delegated authority to recommend boundaries of original zoning districts and appropriate regulations to be enforced therein; to hold public hearings and prepare a final report for the City Council on recommendations for changes in zoning district boundaries or regulations in zoning districts; to hold public hearings and prepare a final report for the City Council on recommendations for the enforcement of regulations in zoning districts including specific use permits and non-specified uses; and to prepare and maintain a city’s master plan, zoning code, master sign plan, and other tasks as outlined/requested by the City Council. Members of the Planning and Zoning Commission serve in a dual capacity Per Sections 211.007 and 212.006 of the Texas Local Government Code.*

**SECTION 2.** The City of Leon Valley’s Code of Municipal Ordinance, Chapter 15, (entitled “Zoning Ordinance”) is hereby amended by revising Section 15.02.101 (entitled “Primary responsibility for enforcement”) to add the language that is underlined (underlined) as shown in the italicized (*italicized*) text that follows:

**Sec. 15.02.101    *Primary responsibility for enforcement***

*The zoning officer(s) shall be the designated authority charged with the administration and enforcement of this article. The zoning officer(s) shall be appointed by the city manager. The zoning officer(s) also serves as the staff advisor to the City Council, Planning and Zoning Commission, Board of Adjustment, city staff, and citizens relating to the administration, interpretation, implementation, and enforcement of the provisions of this article.*

**SECTION 3.** The City of Leon Valley’s Code of Municipal Ordinance, Chapter 15, (entitled “Zoning Ordinance”) is hereby amended by revising Section 15.02.110 (entitled “Comprehensive planning activities”) to add the language that is underlined (underlined) as shown in the italicized (*italicized*) text that follows:

**Sec. 15.02.110 Comprehensive planning activities**

*The zoning administrator shall assist the Planning and Zoning Commission in the development and implementation of the City's comprehensive master plan. There shall be no amendment made to this article which is not in compliance with the City's long-range comprehensive planning program and the City's master plan.*

**SECTION 4.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Section 15.02.111 (entitled "Applicant qualifications") to add the language that is underlined (underlined) as shown in the italicized (*italicized*) text that follows:

**Sec. 15.02.111 Applicant qualifications**

*Any person, corporation, or authorized agent interested in any property, or owner of property may initiate proceedings to allow the consideration of a change in the zoning classification of such property or to the regulations pertaining to said property. In the event that ownership stated on the application and that shown on City records are different, the applicant shall submit proof of ownership or legal standing to submit the application or must provide a notarized letter of authorization from the property owner. The Planning and Zoning Commission or City Council may, on its own motion, initiate proceedings to consider a change to the zoning on any property or to the regulations pertaining to property, when it finds that the public interest would be served by consideration of such a request.*

**SECTION 5.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Section 15.02.114 (entitled "Withdrawal of application") to add the language that is underlined (underlined) as shown in the italicized (*italicized*) text that follows:

*Prior to the issuance of the notice of a public hearing before the Planning and Zoning Commission and City Council, the applicant may, by written notice to the zoning officer(s), withdraw the application or request rescheduling of the public hearing to a later regular meeting date. Once public notice is given, the applicant may withdraw the application or request for rescheduling only with the approval of the City Council. The City Council may reject a request to withdraw an application or request to reschedule and conduct the public hearing as stated in the notification and take action as appropriate within the context of the public notice provided. Not less than fifteen (15) days before the public hearing, notice of the hearing shall be published in an official newspaper or a newspaper of general circulation in the City.*

**SECTION 6.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Section 15.02.116 (entitled "Planning and Zoning Commission Report") to add the language that is underlined (underlined) as shown in the italicized (*italicized*) text that follows:

*Sec. 15.02.116    Planning and Zoning Commission report  
After public hearing, the Planning and Zoning Commission shall submit a report to the City Council with a recommendation that the application be approved, tabled, or denied, and state the vote of the Commission.*

**SECTION 7.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Section 15.02.118 (entitled "Action by City Council") to add the language that is underlined (underlined) as shown in the italicized (*italicized*) text that follows:

*Sec. 15.02.118    Action by the City Council  
Upon receipt of the report from the Planning and Zoning Commission the City Council shall hold a public hearing for the purpose of consideration the proposed change to the zoning map or text. Not less than fifteen (15) days before the public hearing, notice of the hearing shall be published in an official newspaper or a newspaper of general circulation in the City.*

**SECTION 8.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Section 15.02.603 (entitled "Hearings") to add the language that is underlined (underlined) as shown in the italicized (*italicized*) text that follows:

*A nonspecified use may be categorized by the Leon Valley Planning and Zoning Commission, with Commission's categorization being approved by City Council, after application and public hearing as set out in the specific use permits sections of this article.*

**SECTION 9.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Section 15.02.721 (entitled "General statutes, ordinances and rules applying to the Planning and Zoning Commission") to add the language that is underlined (underlined) to the section title and subsection (a) as shown in the italicized (*italicized*) text that follows:

***Sec. 15.02.721    General statutes, ordinances and rules applying to the Planning and Zoning Commission***  
*(a)    Governance. The Planning and Zoning Commission, hereinafter referred to as "the Commission," shall be governed by all the following statutes, ordinances and rules:*

**SECTION 10.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Appendix C of Section 15.02.721 (entitled "SUSTAINABILITY, GATEWAY, AND COMMERCIAL/INDUSTRIAL OVERLAY DISTRICT STANDARDS") to add the language that is underlined (underlined) to subsection B (entitled "Administration procedures") 3.d., and 3.e.; 6., as shown in the italicized (*italicized*) text that follows:

*d. Denial or conditional approval of a site plan by the director may be initially appealed to the Planning and Zoning Commission and, following the recommendation of the Commission, to the City Council. The appeal shall be filed within 30 days of the date of the director's action on the application for approval of a site plan.*

*e. The director in making an initial decision on a site plan application, the Planning and Zoning Commission in making recommendations to the City Council, or the City Council in deciding the application for site plan approval, shall determine whether the plan is consistent with the regulating plan for the property (if there is one), and meets the goals, intent and standards of the City's Code of Ordinances.*

*6. Lapse of approval. If a building permit has not been obtained within one (1) year following approval of a site plan approval, such plan shall lapse unless the property owner requests an extension prior to the expiration of the one-year period. The request for extension shall be considered by the Planning and Zoning Commission. The authority may grant an extension of the time for expiration of the plan for a period not to exceed one (1) year from the original expiration date of the application approval.*

**SECTION 11.** The City of Leon Valley's Code of Municipal Ordinance, Chapter 15, (entitled "Zoning Ordinance") is hereby amended by revising Appendix C of Section 15.02.721 (entitled "SUSTAINABILITY, GATEWAY, AND COMMERCIAL/INDUSTRIAL OVERLAY DISTRICT STANDARDS") to add the language that is underlined (underlined) to subsection C (entitled "Specific use permit process") 3., and 3.j., as shown in the italicized (*italicized*) text that follows:

*3. In addition to any condition identified by the City Council that the applicant, owner, and grantee must comply with, the Planning and Zoning Commission and City Council shall consider the following criteria in determining the validity of the Specific Use Permit (SUP) in the overlay standards:*

*j. In addition to screening along streetscape zones and screening of*

*parking areas, as well as screening requirements stated in article 3.05 of the Zoning Ordinance [[article 3.05](#) of the Code of Ordinances], certain activities associated with any business or use requiring an SUP, as identified by the Planning and Zoning Commission or City Council, must be screened from view from adjacent public streets, rights-of-way or major private access drives. Development features to be screened may include but are not limited to automotive repair, installation, or services, vehicle storage, vacuum areas, car wash and drying areas, storage, and other activity(ies) considered to have external impacts on the surrounding area by the Planning and Zoning Commission or the City Council. This does not include parking areas, which will follow the standards in section I-D [I.E] of these overlay district standards. Specific screening requirements include one or a combination of the following:*

**SECTION 12.** The City Secretary is hereby authorized and directed to publish the amendments to the Code of Ordinances Zoning Code as provided herein, subject to the following: (i) definitions and subsections not expressly amended hereby shall remain in full force and effect; and (ii) capitalization of the terms Planning and Zoning Commission, and City Council is intended throughout the revisions irrespective of the absence of editorial underlining or strike though of characters; and (iii) titles of each definition amended hereby shall be underlined.


**SECTION 13.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

**SECTION 14.** That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.


**SECTION 15.** The ordinance shall be effective upon passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley  
this the 3rd day of March 2020.

**APPROVED**


  
**CHRIS RILEY**  
MAYOR

Attest:

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary



Approved as to Form:

  
**HABIB H. ERKAN, JR.**  
City Attorney